

20 March 2018

Dr. Rui Wang
Vice-President Research
Laurentian University
935 Ramsey Lake Road
Sudbury, ON
P3E 2C6

Subject: Grievance of Perceived Academic Misconduct by Laurentian University Faculty and Student: Dr. Jacqueline Litzgus, Dr. Doug Boreham and Ms. Gabriella Zagorski.

Dear Mr. Wang,

Tulloch Engineering Inc. (Tulloch), is writing on behalf of Darien Aggregates Inc. (the Proponent) to express concerns regarding perceived research misconduct by Laurentian University faculty and student; namely Dr. Jacqueline Litzgus (Department of Biology), Dr. Doug Boreham (Northern Ontario School of Medicine) and Gabriella Zagorski (Graduate student).

The Proponent has made application to the Ministry of Natural Resources and Forestry (MNRF) for an aggregate permit: specifically, a quarry (the Darien Quarry) on an undeveloped tract of Crown Land located approximately 16 km northeast of Blind River, Ontario (the Site). The Site is north of Highway 17 and is currently accessed by Pronto Road in Algoma Mills, Township of Long. The Proponent has been working through the Aggregate Resources Act and Class EA for Resource Stewardship and Facility Development in collaboration with regulatory authorities including the MNRF and the Ministry of the Environment and Climate Change (MOECC). In support of this application the site has undergone five years of geotechnical, hydrogeological and environmental studies. The Proponent has also been participating in extensive public consultation with local stakeholders, including: The Township of the North Shore, local landowners and Indigenous groups. Environmental studies on site have been undertaken by Tulloch since 2014.

Dr. Doug Boreham (Division Head, Medical Sciences, Northern Ontario School of Medicine) and Dr. Jo-Anna Dolling (Associate Professor, Northern Ontario School of Medicine) are landowners adjacent to Pronto Road. Their property is situated approximately 1.4 km south of the proposed quarry site, making the residence the closest sensitive receptor to the proposed quarry. The Proponent has received 5 objection letters from Dr. Boreham and/or Dr. Dolling since public consultation commenced in March 2016. These letters expressed concern with property value and adverse effects (noise, dust, light pollution, etc.) on their property and the environment.

In the objection letter dated April 11, 2017 (Appendix Item 1) Dr. Boreham and Dr. Dolling informed the Proponent and the MNRF that:

- They will begin an independent dust and water monitoring program through collaboration with Laurentian University Vale Living with Lakes Research Centre and the Mining Innovation, Rehabilitation and Applied Research Corporation (MIRARCo).

- Analysis will be done on air, water, aggregate and wildlife for uranium and radium content along with other tests at an accredited facility in collaboration with researchers from the Laurentian School of the Environment, the Department of Earth Sciences and the Department of Biology and MIRARCo.
- Further independent research on Blanding's Turtle, Whip-poor-will and Myotis Bat, through collaboration with researchers from the Department of Biology at Laurentian University would begin soon. The letter states that research support for the study will come from the Northern Ontario School of Medicine (NOSM).

To the Proponent's knowledge only the last initiative has commenced to date.

Dr. Boreham and Dr. Dolling have stated they are not objectors yet their concerns that the project will (in their opinion) negatively impact their property value illustrates that they do have a vested interest in the project not moving forward. Prior to April 2017, there is no indication that this area was ever considered as a research site by Laurentian University. Tulloch and the Proponent have repeatedly expressed concern to the Laurentian University researchers that the involvement of two faculty of the NOSM committing public funds and resources to research which they could knowingly benefit from is perceived to be conflict of interest.

On May 17, 2017, Drs. Boreham and Litzgus issued a co-authored research proposal outline to the MNRF (Appendix Item 2) proposing the immediate undertaking of research of Blanding's Turtle at the site of the proposed quarry. As a provincially Threatened species, Blanding's Turtle was initially discovered on site by Tulloch in 2014, and Tulloch has since delineated its habitat throughout the site and surrounding area. Dr. Litzgus and student Gabriella Zagorski began turtle tracking research on the site in June 2017.

On June 5, 2017, Tulloch expressed concern to Dr. Litzgus (and subsequently to the MNRF) that the research proposed in co-authorship with a neighboring landowner is a perceived conflict of interest. Dr. Litzgus informed Tulloch that Dr. Boreham was remaining 'at arms length' from the data collection, and he was not actively involved in the research. Although Dr. Boreham's name has been subsequently removed from authorship of study materials, he has been included in correspondence between Dr. Litzgus and the MNRF including the submission of study data as recently as September 2017 (Appendix Item 3).

Tulloch and the Proponent are concerned that the Dr. Boreham's involvement in this research program, and his continued involvement in the data reporting to the MNRF could be perceived as a faculty member directing resources and funds of a public institution to support their own personal interests. Failure to identify this real or perceived research bias is in contravention of Laurentian University's Senate Policy on Responsible Conduct of Research, SIII d. (Appendix Item 4).

More recently, Tulloch has been notified by the MNRF that Ms. Zagorski has been accepting in-kind research support from Mr. and Ms. Kirby, landowners adjacent to the Site. Their dwelling is located at the end of Pronto Road and approximately 1.7 km south of the Site. Mr. and Ms. Kirby have been officially listed as objectors to the proposed quarry having submitted 4 objection letters to the project and spoken out in public at open house meetings. Student Gabriella Zagorski has elected to use Mr. and Ms. Kirby as research assistants in the collection, tagging and tracking of Blanding's Turtle throughout the summer of 2017. Ms. Zagorski has also been staging her field

studies from the property of Mr. and Ms. Kirby, storing research equipment at this property, and has been making use of the Kirby's all-terrain vehicles to access the site. Tulloch and the MNRF have both identified to Ms. Zagorski that the utilisation of project objectors as research assistants presents a perceived conflict of interest.

Given that Dr. Litzgus and Ms. Zagorski have been accepting volunteer and in-kind support from known project objectors to conduct research at the proposed project site, and given that the subject matter of that research may impact project approval, Tulloch and the Proponent perceive a conflict of interest that is not befitting of the standards and professionalism of unbiased academic research. This perceived conflict of interest has been made known to Dr. Litzgus and Ms. Zagorski by Tulloch and the MNRF. Failure to identify this real or perceived research bias is a second contravention of Laurentian University's Senate Policy on Responsible Conduct of Research, SIII d.

The Proponent has also expressed concerns to Tulloch regarding Ms. Zagorski's judgment to train local project objectors in the location and capture of this Threatened turtle species and to subsequently leave equipment for that purpose in their possession.

Tulloch and the Proponent understand the right of Dr. Litzgus and Ms. Zagorski to perform research on Crown Land. It is also acknowledged that data derived from this research could support project designs and mitigations to safeguard a Threatened species. The manner in which the research was initiated and how the data collection is being approached is cause for concern. Language being produced from this research also seems to undermine its objectivity in certain areas: the following is excerpted from a turtle catch report submitted by Dr. Litzgus and Ms. Zagorski to the MNRF on September 19, 2017:

*"We believe that due to the number of turtles found, the state of the pristine habitat and the numerous provincially significant wetlands present that this site is **significant** habitat for this species as well as the other turtle species, moose, deer and other species present in the site."* (Appendix Item 5)

It should be noted that the intention of such a catch report is to provide the MNRF an inventory of animals caught under the handling permit and any instances of injury or mortality. Dr. Litzgus and Ms. Zagorski collected no data regarding "*moose, deer and other species*" to the best of our knowledge and that these were outside the scope of the research. The term "*significant*" is used (and bolded in the original document) despite no statistical comparisons reported and little effort invested in data collection from a representative control site.

The inclusion of discussion-style data interpretation and conclusions are premature and unsupported by the current research scope. The above statement appears to be a falsification of results by representing personal opinion under the guise of scientific conclusions. Citing the above concerns, Dr. Litzgus withdrew this report at Tulloch's request and substituted it with Appendix Item 6 on October 28, 2017. While the language of the re-submitted report is within scope, Dr. Litzgus continues to include discussion and recommended applications of these data that is not typical of such a document and the current status of the research.

The actions of Dr. Boreham, Dr. Litzgus and Ms. Zagorski are being performed under the apparent authority and reputation of Laurentian University and are being represented as unbiased academic research. The results of this research are being presented to the MNRF as unbiased,

and are being used to directly influence MNRF's review and decisions towards the proposed project.

The Laurentian University's Senate Policy on Responsible Conduct of Research states:

"It is important for the credibility of the University community that the scholarly activities of University members be held in the highest regards and be seen as rigorous and scrupulously honest."

Tulloch and the Proponent are concerned that the Laurentian University research program on the Project Site may be perceived to be in violation of Part 1, Sections IIc, II d, II e, IIIa, III d and III f of Laurentian University's Senate Policy on Responsible Conduct of Research given the above occurrences.

Tulloch and the Proponent are requesting that Laurentian University perform an internal investigation into the actions and decisions addressed herein. Tulloch and the Proponent are requesting written findings of this investigation. Tulloch and the Proponent are also requesting further information regarding the source(s) of funding for this research and other proposed research initiatives as outlined above (e.g. NSERC or other), and whether the use of this funding aligns with the ethics of and expectations of the granting institutions.

Please provide written confirmation of the reception of this document and outline Laurentian University's intended actions to address these concerns.

Thank you for your consideration in this matter,


Gary MacKay P. Eng
Project Manager
Tulloch Engineering


Bill Tibble M.Sc.
Environmental Department Lead
Tulloch Engineering


Tom Rankin
President
Darlen Aggregates Inc.

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Steve Acorn, Aggregate Specialists, Ministry of Natural Resources and Forestry
Mira Majerovich, EA Coordinator, Ministry of the Environment and Climate Change
Mary Lynn Duguay, Clerk Treasurer, Municipality of the Township of North Shore
Grant Buck, Constituency Assistant, Office of Michael Mantha, MPP Algoma-Manitoulin
Stephanie Harris, Research Ethics Board, Laurentian University
Pierre Zundel, President and Vice-chancellor, Laurentian University